



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/920,756

08/03/2001

Jason Paul Irwin

9361

5974

26884 7590 09/08/2009
PAUL W. MARTIN
NCR CORPORATION, LAW DEPT.
1700 S. PATTERSON BLVD.
DAYTON, OH 45479-0001

EXAMINER

DINH, KHANH Q

ART UNIT

PAPER NUMBER

2451

MAIL DATE

DELIVERY MODE

09/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: JASON PAUL IRWIN & ROGER TERRY FARMER

Application No. 09/920,756
Technology Center 2400

Mailed: September 8, 2009

Before DEBORAH L. PERRY, *Supervisory Paralegal Specialist, Review Team.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on August 24, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

AMENDMENT AFTER FINAL

An Amendment After Final was filed June 12, 2008, in response to the Final Rejection mailed December 13, 2007. It is not clear from the record whether this Amendment has been considered.

Consideration and acknowledgment is required.

EXAMINER'S ANSWER

There is an inconsistency with the rejection of Claim 4 under U.S.C 112, 2nd paragraph, between the Final Rejection mailed December 13, 2008, and the Examiner's Answer mailed January 8, 2009. The Final Rejection rejects Claim 4 under 35 U.S.C 112, 2nd paragraph, but the Examiner's Answer is silent and does not restate the rejections.

Clarification is required.

CONCLUSION

Accordingly,
it is ORDERED that the application is returned to the Examiner:

1) consider and acknowledge the Amendment, filed June 12, 2008;
2) vacate the Examiner's Answer mailed January 8, 2009,
issue either

(a) Substitute Examiner's Answer to correct the appendix heading:

“Grounds of Rejection,” and “Arguments;” or

(b) alternatively, if appropriate, issue a Supplemental Examiner’s Answer and include the necessary approval from the TC Director or designee in accordance with MPEP 1207.05 and/or
3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DLP/jsd

PAUL W. MARTIN
NCR CORPORATION, LAW DEPT.
1700 S. PATTERSON BLVD.
DAYTON OH 45479-0001